

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACARL EVANS, et al.,
Plaintiffs,

v.

LINDEN RESEARCH, INC., et al.,
Defendants.

No. C-11-01078 DMR

**ORDER GRANTING PLAINTIFFS'
MOTION TO AMEND AND GRANTING
IN PART MOTION TO ENLARGE
TIME**

Before the court are Plaintiffs' Motion for Leave to File Second Amended Complaint ("Motion to Amend") and Motion to Enlarge Time and Vacate the Court's Scheduling Order ("Motion to Enlarge Time"). [Docket Nos. 74 and 75.] The court conducted a hearing on the motions on February 23, 2012 during which the parties were given an opportunity to present their arguments. This Order summarizes the rulings made by the court on the record during the hearing.

I. Motion to Amend

Plaintiffs seek to amend the complaint for the sole purpose of substituting now-deceased named Plaintiff Cindy Carter with named Plaintiff Naomi Hemingway. Plaintiffs' Motion to Amend is granted. The Second Amended Complaint appended to Plaintiffs' reply to Defendants' opposition to the Motion to Amend [Docket No. 83, Ex. 1] is now the operative complaint in this action and is deemed filed as of February 23, 2012. A responsive pleading is due in accordance with the Federal Rules of Civil Procedure. However, pursuant to the parties' agreement, Defendants may file an answer that is limited to the new paragraphs of the Second Amended Complaint only.

II. Motion to Enlarge Time

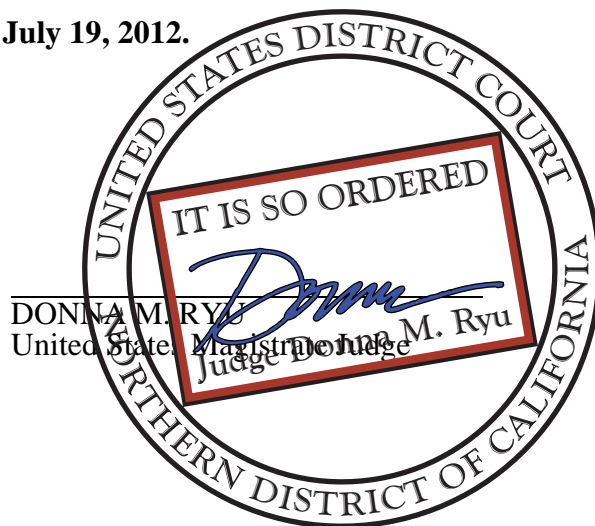
Plaintiffs' Motion to Enlarge Time is granted in part. The scope of further class certification discovery is strictly limited to completing discovery that 1) was propounded and in progress at the time of the original October 20, 2011 discovery deadline; 2) was the subject of the extension of the discovery deadline for certain depositions [*see* Docket No. 65]; or 3) pertains to the newly named Plaintiff Naomi Hemingway. This class certification discovery must be concluded by **April 23, 2012**.

Defendants may depose Naomi Hemingway at defense counsel's office. Such deposition shall take place as soon as reasonably possible and Plaintiffs' counsel is responsible for Plaintiff Hemingway's travel expenses related to the deposition, as well as the cost of the deposition transcript. Further, the parties must meet and confer in compliance with the court's standing order regarding outstanding class certification discovery issues. Any remaining discovery disputes shall be presented to the court by a joint discovery letter filed no later than **March 5, 2012**.¹

Plaintiffs' renewed class certification motion shall be filed by **May 7, 2012**. Any response in opposition to the class certification motion shall be filed by **June 6, 2012**, and any reply in support of the motion shall be filed by **June 20, 2012**. A hearing on the class certification motion, as well as a case management conference, will be held on **July 26, 2012 at 11:00 a.m.** An updated joint case management conference statement shall be filed by **July 19, 2012**.

IT IS SO ORDERED.

Dated: February 24, 2012



¹ The court's Order regarding the original joint letter [Docket No. 73] is hereby amended to deny Plaintiffs' discovery motion *without prejudice*.